

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal No. 3:02CR290

KIRK L. LONEY

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on July 22, 2013, the Court denied Kirk L. Loney's 28 U.S.C. § 2255 motion ("§ 2255 Motion") and denied a certificate of appealability. United States v. Loney, No. 3:02CR290, 2013 WL 3816739, at *6 (E.D. Va. July 22, 2013). Since that time, Loney has inundated the Court with requests to reconsider the Court's decision. (See ECF Nos. 112-13, 115.)

On September 12, 2013, Loney filed a Memorandum in Support of Motion for Leave to File Supplemental Complaint pursuant to Federal Rule of Civil Procedure 15(d) seeking to add new claims. ("Rule 15(d) Motion," ECF No. 115.) By Memorandum Opinion and Order entered December 19, 2013, the Court construed the Rule 15(d) Motion as a successive, unauthorized § 2255 motion and dismissed the motion for want of jurisdiction. United States v. Loney, Nos. 3:02CR290, 3:13CV836, 2013 WL 6729274, at *1-2 (E.D. Va. Dec. 19, 2013).

Loney has now filed a "Motion to Reinstate Civil Action No. 3:13CV836," his successive, unauthorized § 2255 motion. (ECF No. 119.) Loney fails to demonstrate such action is

warranted. Accordingly, the Motion to Reinstate (ECF No. 119) will be denied.

Loney also seeks a motion for a certificate of appealability. (ECF No. 121, at 3.) If Loney wishes to challenge this Court's denial of a certificate of appealability, he should file such a challenge with the United States Court of Appeals for the Fourth Circuit. Local Rule for the United States Court of Appeals for the Fourth Circuit 22(a)(1)(A) contemplates that review of a district court's denial of a certificate of appealability should be directed to the Fourth Circuit not the district court. 4th Cir. Loc. R. 22(a)(1)(A) (when "the district court has not granted a certificate of appealability . . . appellant may submit a request for a certificate with the Court of Appeals specifying the issues on which the appellant seeks authorization to appeal and giving a statement of the reasons why a certificate should be issued"). Accordingly, Loney's request for a certificate of appealability (ECF No. 121) will be denied.

The Clerk is directed to send a copy of the Memorandum Opinion to Loney.

An appropriate Order shall issue.

Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date:

Date: March 19, 2014